

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 20-CV-954-WO-JLW**

FARHAD AZIMA,)
)
Plaintiff,)
)
v.)
)
NICHOLAS DEL ROSSO and VITAL)
MANAGEMENT SERVICES, INC.,)
)
Defendants.)

**DEFENDANTS' MOTION TO RECONSIDER
THE PARTIAL DENIAL OF THEIR MOTION TO DISMISS**

Defendants Nicholas Del Rosso and Vital Management Services, Inc. (collectively, "Defendants"), by and through undersigned counsel, hereby respectfully move the Court to partially reconsider and revise its Order holding that Plaintiff Farhad Azima stated a claim under the North Carolina Trade Secrets Protection Act ("TSPA") and a derivative conspiracy claim based on allegations of conduct in 2018 and 2019 and to dismiss the Complaint in full. Reconsideration and dismissal are appropriate because the allegations in the Complaint that are not time-barred fail to state a TSPA claim against Defendants. The Complaint is deficient because the remaining allegations based on the 2018 and 2019 conduct do not allege primary liability against Defendants for violation of the

TSPA. Because there is no standalone civil conspiracy claim under North Carolina law, this claim, too, fails with Plaintiff's TSPA claim.

WHEREFORE, as further explained in the supporting Memorandum of Law filed contemporaneously herewith and incorporated herein by reference, Defendants respectfully request that the Court enter an Order:

1. Reconsidering its prior Order, dismissing the remainder of Counts VIII and X pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and dismissing the Complaint in its entirety and with prejudice; and

2. Granting Defendants such other and further relief as the Court deems just and proper.

Respectfully submitted this 10th day of January, 2022.

**NELSON MULLINS RILEY &
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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2022, I electronically filed the foregoing **Defendants' Motion to Reconsider the Partial Denial of Their Motion to Dismiss** with the Clerk of the Court using the CM/ECF system, which will send electronic notification of filing to the following:

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